

House File 793 - Enrolled

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HOUSE FILE 793

AN ACT

RELATING TO ADMINISTRATION OF REGIONAL TRANSPORTATION BY
REGIONAL TRANSIT DISTRICTS AND OF HIGHWAYS AND REGULATION
OF MOTOR VEHICLES BY THE STATE DEPARTMENT OF TRANSPORTATION,
INCLUDING PROVISIONS RELATING TO THE PLACEMENT OF ADVERTISING
DEVICES ALONG PRIMARY HIGHWAYS, QUALIFICATIONS OF PROPERTY
APPRAISERS, STATE STANDARDS FOR LAND SURVEYING, DESTRUCTION
OF SUSPENDED OR REVOKED DRIVER'S LICENSES, REQUIREMENTS FOR
A TEMPORARY RESTRICTED DRIVER'S LICENSE, REGISTRATION AND
TITLING OF VEHICLES, LEGION OF MERIT SPECIAL REGISTRATION
PLATES, ANTIQUE MOTOR VEHICLE REGISTRATION PLATES AND FEES,
LICENSING OF MOTOR VEHICLE DEALERS, MOTOR CARRIER REGISTRATION
AND FUEL TAX LIABILITY, THE MAXIMUM LENGTH LIMITATION FOR
SINGLE TRUCKS, REQUIREMENTS FOR OPERATION OF CERTAIN SELF=
PROPELLED IMPLEMENTS OF HUSBANDRY ON SECONDARY ROADS, AND
DISPOSITION OF REGIONAL TRANSIT DISTRICT TAX REVENUES
COLLECTED BY A COUNTY TREASURER, AND PROVIDING EFFECTIVE
DATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

HIGHWAYS

Section 1. Section 306C.11, subsection 2, Code 2007, is
amended to read as follows:

2. Advertising devices concerning activities conducted on
the property on which they are located, nor shall the property
upon which they are located be construed to mean located upon
any contiguous area having inconsistent use, size, shape, or
ownership. However, businesses located within the limits of a
commercial or industrial development may be advertised on a
sign located anywhere within the development regardless of
land ownership.

Sec. 2. Section 543D.3, unnumbered paragraph 2, Code 2007,
is amended to read as follows:

A person who is not a certified real estate appraiser under
this chapter may appraise real estate for compensation if
certification is not required by this chapter or by federal or
state law, rule, or policy. However, an employee of the state
department of transportation whose duties include appraisals
of property pursuant to chapter 6B must be a certified real
estate appraiser under this chapter or an associate real
estate appraiser registered by the board and acting under the
direct supervision of a certified real estate appraiser.

Sec. 3. The section of this division of this Act that
amends section 543D.3 is void if 2007 Iowa Acts, Senate File
137, section 1, amending section 543D.3, is enacted.

DIVISION II

LAND SURVEYING STANDARDS

Sec. 4. Section 355.5, subsection 4, Code 2007, is amended
to read as follows:

4. Distances shall be shown in decimal feet in accordance
with the definition of the ~~international~~ U.S. survey foot.
Distance measurements shall refer to the horizontal plane.

Sec. 5. Section 355.7, subsection 10, Code 2007, is
amended to read as follows:

10. Distance shall be shown in decimal feet in accordance
with the definition of the ~~international~~ U.S. survey foot.
Distance measurements shall refer to the horizontal plane.

Sec. 6. Section 355.8, subsection 13, Code 2007, is
amended to read as follows:

13. Distances shall be shown in feet to at least the
nearest one-tenth of a foot in accordance with the definition
of the ~~international~~ U.S. survey foot. Distance measurements
shall refer to the horizontal plane.

DIVISION III

MOTOR VEHICLES

Sec. 7. Section 321.16, Code 2007, is amended by adding
the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a peace officer serves notice
of immediate suspension or revocation of a driver's license as

3 4 provided in this chapter or any other chapter, the peace
3 5 officer may destroy the license or send the license to the
3 6 department.

3 7 Sec. 8. Section 321.24, subsection 11, Code 2007, is
3 8 amended to read as follows:

3 9 11. If the county treasurer or department is not satisfied
3 10 as to the ownership of the vehicle or that there are no
3 11 undisclosed security interests in it, or a junking certificate
3 12 has been issued for the vehicle but a certificate of title
3 13 will not be reissued under section 321.52, subsection 3, and
3 14 the vehicle qualifies as an antique vehicle under section
3 15 321.115, subsection 1, the county treasurer or department may
3 16 register the vehicle but shall, as a condition of issuing a
3 17 certificate of title and registration receipt, require the
3 18 applicant to file with the department a bond in the form
3 19 prescribed by the department and executed by the applicant,
3 20 and either accompanied by the deposit of cash with the
3 21 department or also executed by a person authorized to conduct
3 22 a surety business in this state. The owner of a vehicle
3 23 subject to the bond requirements of this subsection shall
3 24 apply for a certificate of title and registration for the
3 25 vehicle at the county treasurer's office within thirty days of
3 26 issuance of written authorization from the department. The
3 27 bond shall be in an amount equal to one and one-half times the
3 28 current value of the vehicle as determined by the department
3 29 and conditioned to indemnify any prior owner and secured party
3 30 and any subsequent purchaser of the vehicle or person
3 31 acquiring any security interest in it, and their respective
3 32 successors in interest, against any expense, loss, or damage,
3 33 including reasonable attorney fees, by reason of the issuance
3 34 of the certificate of title of the vehicle or on account of
3 35 any defect in or undisclosed security interest upon the right,
4 1 title, and interest of the applicant in and to the vehicle.
4 2 Any such interested person has a right of action to recover on
4 3 the bond for any breach of its conditions, but the aggregate
4 4 liability of the surety to all persons shall not exceed the
4 5 amount of the bond. The bond, and any deposit accompanying
4 6 it, shall be returned at the end of three years or ~~prior~~
4 7 ~~thereto earlier~~ if the vehicle is no longer registered in this
4 8 state and the currently valid certificate of title is
4 9 surrendered to the department, unless the department has been
4 10 notified of the pendency of an action to recover on the bond.
4 11 The department may authorize issuance of a certificate of
4 12 title as provided in this subsection for a vehicle with an
4 13 unreleased security interest upon presentation of satisfactory
4 14 evidence that the security interest has been extinguished ~~and~~
4 15 ~~or that~~ the holder of the security interest cannot be located
4 16 to release the security interest as provided in section
4 17 321.50.

4 18 Sec. 9. Section 321.34, subsection 15, unnumbered
4 19 paragraph 1, Code 2007, is amended to read as follows:

4 20 The owner of a motor vehicle subject to registration under
4 21 section 321.109, subsection 1, motorcycle, trailer, or motor
4 22 truck, who has been awarded the legion of merit ~~may shall be~~
4 23 ~~issued one set of special registration plates with a legion of~~
4 24 ~~merit processed emblem~~, upon written application to the
4 25 department and presentation of satisfactory proof of the award
4 26 of the legion of merit as established by the Congress of the
4 27 United States, ~~order special registration plates with a legion~~
4 28 ~~of merit processed emblem~~. The emblem shall be designed by
4 29 the department in cooperation with the adjutant general and
4 30 shall signify that the owner was awarded the legion of merit.
4 31 The application is subject to approval by the department, in
4 32 consultation with the adjutant general. The special plates
4 33 shall be issued at no charge and are subject to an annual
4 34 registration fee of fifteen dollars. The county treasurer
4 35 shall validate the special plates in the same manner as
5 1 regular registration plates are validated under this section.

5 2 Sec. 10. Section 321.52, subsection 4, paragraph a, Code
5 3 2007, is amended to read as follows:

5 4 a. A vehicle rebuilder or a person engaged in the business
5 5 of buying, selling, or exchanging vehicles of a type required
5 6 to be registered in this state, upon acquisition of a wrecked
5 7 or salvage vehicle, shall surrender the certificate of title
5 8 or manufacturer's or importer's statement of origin properly
5 9 assigned, together with an application for a salvage
5 10 certificate of title, to the county treasurer of the county of
5 11 residence of the purchaser or transferee within thirty days
5 12 after the date of assignment of the certificate of title for
5 13 the wrecked or salvage motor vehicle. This subsection applies
5 14 only to vehicles with a fair market value of five hundred

5 15 dollars or more, based on the value before the vehicle became
5 16 wrecked or salvage. Upon payment of a fee of two dollars, the
5 17 county treasurer shall issue a salvage certificate of title
5 18 which shall bear the word "SALVAGE" stamped or printed on the
5 19 face of the title in a manner prescribed by the department. A
5 20 salvage certificate of title may be assigned to an educational
5 21 institution, a new motor vehicle dealer licensed under chapter
5 22 322, a person engaged in the business of purchasing bodies,
5 23 parts of bodies, frames or component parts of vehicles for
5 24 sale as scrap metal, a salvage pool, or an authorized vehicle
5 25 recycler licensed under chapter 321H. An authorized vehicle
5 26 recycler licensed under chapter 321H or a new motor vehicle
5 27 dealer licensed under chapter 322 may assign or reassign ~~a~~ an
5 28 Iowa salvage certificate of title or a salvage certificate of
5 29 title from another state to any person, and the provisions of
5 30 section 321.24, subsection 5, requiring issuance of an Iowa
5 31 salvage certificate of title shall not apply. A vehicle on
5 32 which ownership has transferred to an insurer of the vehicle
5 33 as a result of a settlement with the owner of the vehicle
5 34 arising out of damage to, or unrecovered theft of, the vehicle
5 35 shall be deemed to be a wrecked or salvage vehicle and the
6 1 insurer shall comply with this subsection to obtain a salvage
6 2 certificate of title within thirty days after the date of
6 3 assignment of the certificate of title of the vehicle.

6 4 Sec. 11. Section 321.112, Code 2007, is amended to read as
6 5 follows:

6 6 321.112 MINIMUM MOTOR VEHICLE FEE.

6 7 No motor vehicle, except as provided in ~~sections 321.115~~
6 8 ~~and section 321.117,~~ shall be registered for a registration
6 9 year for less than ten dollars.

6 10 Sec. 12. Section 321.115, Code 2007, is amended by
6 11 striking the section and inserting in lieu thereof the
6 12 following:

6 13 321.115 ANTIQUE VEHICLES == MODEL YEAR PLATES PERMITTED.

6 14 1. A motor vehicle twenty-five years old or older may be
6 15 registered as an antique vehicle upon payment of the fee
6 16 provided for in section 321.113, 321.122, or 321.124. The
6 17 owner of a motor vehicle registered under this subsection may
6 18 display authentic Iowa registration plates from the model year
6 19 of the motor vehicle, furnished by the person and approved by
6 20 the department, in lieu of the current and valid Iowa
6 21 registration plates issued for the vehicle, provided that the
6 22 current and valid Iowa registration plates and the
6 23 registration card issued for the vehicle are simultaneously
6 24 carried within the vehicle and are available for inspection to
6 25 any peace officer upon the officer's request.

6 26 2. The sale of a motor vehicle twenty years old or older
6 27 which is primarily of value as a collector's item and not as
6 28 transportation is not subject to chapter 322, and any person
6 29 may sell such a vehicle at retail without a license as
6 30 required under chapter 322.

6 31 3. Truck tractors and semitrailers used in combination for
6 32 exhibition and educational purposes may be registered and
6 33 driven according to the provisions of subsection 1. Truck
6 34 tractors and semitrailers registered under this section shall
6 35 not be used to haul loads.

7 1 4. A person convicted of a violation of this section is
7 2 guilty of a simple misdemeanor punishable as a scheduled
7 3 violation under section 805.8A, subsection 2, paragraph "b".

7 4 Sec. 13. Section 321.134, subsection 2, Code 2007, is
7 5 amended to read as follows:

7 6 2. The annual registration fee for trucks, truck tractors,
7 7 and road tractors, as provided in sections 321.121 and
7 8 321.122, may be payable in two equal semiannual installments
7 9 if the annual registration fee exceeds the registration fee
7 10 for a vehicle with a gross weight exceeding five tons. The
7 11 penalties provided in subsection 1 shall be computed on the
7 12 amount of the first installment only and on the first day of
7 13 the seventh month of the registration period the same rate of
7 14 penalty shall apply to the second installment, until the fee
7 15 is paid. Semiannual installments do not apply to commercial
7 16 vehicles, as defined under section 326.2, subject to
7 17 proportional registration, with a base state other than the
7 18 state of Iowa, as defined in section 326.2, subsection 1. The
7 19 penalty on vehicles registered under chapter 326 accrues
7 20 August 1 of each year except as provided in section 326.6.

7 21 The department shall not allow the registration fee for a
7 22 commercial vehicle registered under chapter 326 to be paid in
7 23 two equal semiannual installments for five years after the
7 24 registrant has paid the registration fee late for two
7 25 consecutive years.

7 26 Sec. 14. Section 321.206, Code 2007, is amended to read as
7 27 follows:
7 28 321.206 SURRENDER OF LICENSE == DUTY OF COURT.
7 29 If a person is convicted in court of an offense for which
7 30 this chapter requires mandatory revocation of the person's
7 31 driver's license or, if the person's license is a commercial
7 32 driver's license and the conviction disqualifies the person
7 33 from operating a commercial motor vehicle, the court shall
7 34 require the person to surrender the driver's license held by
7 35 the person and the court shall destroy the license or forward
8 1 the license together with a record of the conviction to the
8 2 department as provided in section 321.491.
8 3 Sec. 15. Section 321.285, Code 2007, is amended by adding
8 4 the following new subsection:
8 5 NEW SUBSECTION. 7. Notwithstanding any other speed
8 6 restrictions, a self-propelled implement of husbandry equipped
8 7 with flotation tires that is designed to be loaded and
8 8 operated in the field and used exclusively for the application
8 9 of organic or inorganic plant food materials, agricultural
8 10 limestone, or agricultural chemicals shall not be operated on
8 11 a highway at a speed in excess of thirty-five miles per hour.
8 12 Sec. 16. Section 321.457, subsection 2, paragraph a,
8 13 unnumbered paragraphs 1 and 2, Code 2007, are amended to read
8 14 as follows:
8 15 A single truck, unladen or with load, shall not have an
8 16 overall length, inclusive of front and rear bumpers, in excess
8 17 of ~~forty~~ forty-one feet. When determining the overall length
8 18 of a single truck, the following shall be excluded:
8 19 ~~When determining the overall length of a single truck, the~~
8 20 ~~following shall be excluded:~~
8 21 Sec. 17. Section 321.463, subsection 4, paragraph a,
8 22 unnumbered paragraph 1, Code 2007, is amended to read as
8 23 follows:
8 24 Self-propelled implements of husbandry used exclusively for
8 25 the application of organic or inorganic plant food materials,
8 26 agricultural limestone, or agricultural chemicals, unless
8 27 traveling under a permit issued pursuant to section 321E.8A,
8 28 shall be operated in compliance with this section.
8 29 Sec. 18. Section 321E.2, unnumbered paragraph 1, Code
8 30 2007, is amended to read as follows:
8 31 Annual, multi-trip, and single-trip permits shall be issued
8 32 by the authority responsible for the maintenance of the system
8 33 of highways or streets. However, the department may issue
8 34 permits on primary road extensions in cities in conjunction
8 35 with movements on the rural primary road system. The
9 1 department may issue an all-system permit under section 321E.8
9 2 which is valid for movements on all highways or streets under
9 3 the jurisdiction of either the state or those local
9 4 authorities which have indicated in writing to the department
9 5 those streets or highways for which an all-system permit is
9 6 not valid. The department may issue annual permits pursuant
9 7 to section 321E.8A valid only for operation on noninterstate
9 8 highways in counties stipulated in the permit.
9 9 Sec. 19. Section 321E.7, Code 2007, is amended by adding
9 10 the following new subsection:
9 11 NEW SUBSECTION. 4. Notwithstanding subsections 1 and 2, a
9 12 self-propelled implement of husbandry traveling under a permit
9 13 issued pursuant to section 321E.8A may exceed the maximum axle
9 14 loads prescribed under section 321.463 only when operated on a
9 15 noninterstate highway in a county covered under the permit,
9 16 provided the weight on any one axle does not exceed
9 17 twenty-five thousand pounds, and provided the current and
9 18 valid permit is carried in the vehicle. For purposes of this
9 19 subsection, "noninterstate highway" does not include a bridge.
9 20 Sec. 20. NEW SECTION. 321E.8A SELF-PROPELLED IMPLEMENT
9 21 OF HUSBANDRY == ANNUAL PERMIT.
9 22 1. A self-propelled implement of husbandry equipped with
9 23 flotation tires that is designed to be loaded and operated in
9 24 the field and used exclusively for the application of organic
9 25 or inorganic plant food materials, agricultural limestone, or
9 26 agricultural chemicals, and that, as newly manufactured,
9 27 exceeds the axle weight limits under section 321.463 when
9 28 unloaded, may be operated on noninterstate highways, excluding
9 29 bridges, in a county pursuant to a permit issued by the
9 30 department for travel within the county. Prior to issuing a
9 31 permit, the department shall collect a fee of six hundred
9 32 dollars for each county in which the vehicle will be operated
9 33 during the period of the permit beginning July 1 and ending
9 34 June 30, provided that a permit shall not be issued for a
9 35 vehicle for operation in more than ten counties and the total
10 1 amount of fees collected for a vehicle for the period of the

10 2 permit shall not exceed three thousand five hundred dollars.
10 3 Moneys collected by the department on behalf of the counties
10 4 in which the vehicle will be operated shall be allotted
10 5 equally to those counties and deposited in the secondary road
10 6 funds of those counties. A vehicle for which a permit is
10 7 issued under this section shall be assigned a permit number
10 8 that shall be displayed on the door of the vehicle in numbers
10 9 that contrast sharply in color with the background on which
10 10 the number is placed, be readily legible during daylight hours
10 11 from a distance of fifty feet when the vehicle is stationary,
10 12 and be maintained in a manner that retains the legibility.
10 13 Only vehicles originally purchased or ordered prior to
10 14 February 1, 2007, are eligible for a permit. New permits
10 15 shall not be issued on or after July 1, 2007; however, a
10 16 permit issued for a vehicle under this section prior to July
10 17 1, 2007, may be renewed for that vehicle annually upon payment
10 18 of the appropriate county fees.

10 19 2. A vehicle described in subsection 1 shall not be
10 20 operated on a highway without a permit issued under this
10 21 section. The owner of a vehicle that is operated in violation
10 22 of section 321E.7, subsection 4, or this section is subject to
10 23 a civil penalty of ten thousand dollars, in addition to any
10 24 other penalties that may apply.

10 25 Sec. 21. Section 321J.4, subsection 9, paragraph d, Code
10 26 2007, is amended to read as follows:

10 27 d. The court shall determine if the temporary restricted
10 28 license is necessary for the person to maintain the person's
10 29 present employment. However, a temporary restricted license
10 30 shall not be ordered or issued for a violation of section
10 31 321J.2A or to a person under the age of twenty-one whose
10 32 license is revoked under this section or section 321J.9 or
10 33 321J.12. If the court determines that the temporary
10 34 restricted license is necessary for the person to maintain the
10 35 person's present employment, and that the minimum period of
11 1 ineligibility for receipt of a temporary license has expired,
11 2 the court shall order the department to issue to the person a
11 3 temporary restricted license conditioned upon the person's
11 4 certification to the court of the installation of approved
11 5 ignition interlock devices in all motor vehicles that it is
11 6 necessary for the person to operate to maintain the person's
11 7 present employment. A person whose driver's license or
11 8 nonresident operating privilege has been revoked under section
11 9 321J.21 may apply to the department for a temporary restricted
11 10 license without the requirement of an ignition interlock
11 11 device if at least twelve years have elapsed since the end of
11 12 the underlying revocation period for a violation of section
11 13 321J.2.

11 14 Sec. 22. Section 322.4, Code 2007, is amended to read as
11 15 follows:

11 16 322.4 APPLICATION FOR LICENSE.

11 17 1. Each person before engaging in this state in the
11 18 business of selling at retail motor vehicles or representing
11 19 or advertising that the person is engaged or intends to engage
11 20 in such business in this state shall file in the office of the
11 21 department an application for license as a motor vehicle
11 22 dealer in the state in such form as the department may
11 23 prescribe, duly verified by oath, which application shall
11 24 include the following:

11 25 1- a. The name of the applicant and the applicant's
11 26 principal place of business wherever situated-, and the
11 27 following, as appropriate:

11 28 a- (1) If the applicant is an ~~individual -- the~~
11 29 ~~individual~~, the name or style under which the individual
11 30 intends to engage in such business.

11 31 b- (2) If the applicant is a ~~copartnership -- the~~
11 32 ~~copartnership~~, the name or style under which ~~such the~~
11 33 copartnership intends to engage in such business and the name
11 34 and ~~post-office~~ bona fide address of ~~each partner two~~
11 35 ~~partners~~.

12 1 c- (3) If the applicant is a ~~corporation -- the~~
12 2 ~~corporation~~, the state of incorporation and the name and
12 3 ~~post-office~~ bona fide address of ~~each officer and director~~
12 4 ~~thereof two officers of the corporation~~.

12 5 2- b. The make or makes of new motor vehicles, if any,
12 6 which the applicant will offer for sale to at retail in this
12 7 state.

12 8 3- c. The location of each place of business within this
12 9 state to be used by the applicant for the conduct of the
12 10 applicant's business.

12 11 4- d. If the applicant is a party to any contract or
12 12 agreement or understanding with any manufacturer or

12 13 distributor of motor vehicles or is about to become a party to
12 14 such a contract, agreement, or understanding, the applicant
12 15 shall state the name of each such manufacturer ~~and or~~
12 16 distributor and the make or makes of new motor vehicles, if
12 17 any, which are the subject matter of each such contract.
12 18 ~~5- e.~~ A statement of the previous history, record, and
12 19 association of the applicant and if the applicant is a
12 20 copartnership, of each partner thereof, and if the applicant
12 21 is a corporation, of each officer and director thereof, which
12 22 statement shall be sufficient to establish to the department
12 23 the reputation in business of the applicant.

12 24 ~~6- f.~~ A description of the general plan and method of
12 25 doing business in this state, which the applicant will follow
12 26 if the license applied for in such application is granted.

12 27 ~~7- g.~~ Before the issuance of a motor vehicle dealer's
12 28 license to a dealer engaged in the sale of vehicles for which
12 29 a certificate of title is required under chapter 321, the
12 30 applicant shall furnish a surety bond executed by the
12 31 applicant as principal and executed by a corporate surety
12 32 company, licensed and qualified to do business within this
12 33 state, which bond shall run to the state of Iowa, be in the
12 34 amount of fifty thousand dollars and be conditioned upon the
12 35 faithful compliance by the applicant as a dealer with all of
13 1 the statutes of this state regulating or applicable to the
13 2 business of a dealer in motor vehicles, and indemnifying any
13 3 person who buys a motor vehicle from the dealer from any loss
13 4 or damage occasioned by the failure of the dealer to comply
13 5 with any of the provisions of chapter 321 and this chapter,
13 6 including, but not limited to, the furnishing of a proper and
13 7 valid certificate of title to the motor vehicle involved in a
13 8 transaction. The bond shall also indemnify any motor vehicle
13 9 purchaser from any loss or damage caused by the failure of the
13 10 dealer to comply with the odometer requirements in section
13 11 321.71, regardless of whether the motor vehicle was purchased
13 12 directly from the dealer. The bond shall be filed with the
13 13 department prior to the issuance of a license. The aggregate
13 14 liability of the surety, however, shall not exceed the amount
13 15 of the bond.

13 16 ~~8- h.~~ Proof that the applicant has financial liability
13 17 coverage as defined in section 321.1, except that such
13 18 coverage shall be in limits of not less than one hundred
13 19 thousand dollars because of bodily injury to or death of one
13 20 person in any one accident and, subject to the limit for one
13 21 person, three hundred thousand dollars because of bodily
13 22 injury to or death of two or more persons in any one accident,
13 23 and fifty thousand dollars because of injury to or destruction
13 24 of property of others in any one accident.

13 25 ~~9- i.~~ Such other information touching the business of the
13 26 applicant as the department may require.

13 27 2. For the purpose of investigating the matters contained
13 28 in such application, the department may withhold the granting
13 29 of a license for a period not exceeding thirty days.

13 30 3. For purposes of this section, "bona fide address" means
13 31 the same as defined in section 321.1.

13 32 Sec. 23. Section 322.7, subsection 1, Code 2007, is
13 33 amended to read as follows:

13 34 1. If the department grants the application of any person
13 35 for a license as a motor vehicle dealer, it shall evidence the
14 1 granting thereof by a final order and shall issue to the
14 2 person a license in such form as may be prescribed by the
14 3 department, which license shall include the following:

14 4 ~~a. The name of the person licensed.~~

14 5 ~~b. a.~~ If the applicant is an individual or a
14 6 copartnership -- the copartnership, the name or style under
14 7 which the licensee will engage in such business and if a
14 8 copartnership, the name and address of each partner.

14 9 ~~c. b.~~ The principal place of business of the licensee and
14 10 location therein of each place wherein the licensee is
14 11 licensed to carry on such business.

14 12 ~~d. c.~~ The make or makes of new motor vehicles which the
14 13 licensee is licensed to sell.

14 14 Sec. 24. Section 326.10A, Code 2007, is amended to read as
14 15 follows:

14 16 326.10A PAYMENT BY CHECK.

14 17 The department shall accept payment of fees under this
14 18 chapter by personal or corporate check. The fee shall be
14 19 deemed to have been paid upon receipt of the check. If the
14 20 check is not honored, all fees and penalties shall accumulate
14 21 as if the fee was not paid. After appropriate warning from
14 22 the department, the registration account shall be suspended,
14 23 collection pursued, and the delinquent registration fees shall

14 24 become a debt due the state of Iowa. After a dishonored check
14 25 has been received from an applicant, payments submitted by the
14 26 applicant during the following year must be made with
14 27 guaranteed funds. However, the department may instead accept
14 28 payment in the form of a corporate check made on behalf of the
14 29 applicant from an approved company with a satisfactory payment
14 30 history.

14 31 Sec. 25. Section 326.16, Code 2007, is amended by adding
14 32 the following new subsection:

14 33 NEW SUBSECTION. 3. Failure to receive a renewal notice or
14 34 an invoice by mail, facsimile transmission, or any other means
14 35 of delivery does not relieve the registrant of the financial
15 1 responsibility for the renewal fees, invoiced amount, or
15 2 accrued penalties.

15 3 Sec. 26. NEW SECTION. 326.24 REGISTRATION DENIED OR
15 4 SUSPENDED.

15 5 If the international fuel tax agreement license issued to
15 6 an applicant or registrant under chapter 452A is suspended or
15 7 revoked or if the director refuses to issue an international
15 8 fuel tax agreement license because of unpaid debt, the
15 9 director may deny or suspend the applicant's or registrant's
15 10 registration under this chapter.

15 11 Sec. 27. Section 327B.1, Code 2007, is amended to read as
15 12 follows:

15 13 327B.1 AUTHORITY SECURED AND REGISTERED.

15 14 1. a. It is unlawful for a carrier to perform an
15 15 interstate transportation service for compensation upon the
15 16 highways of this state without first registering the authority
15 17 obtained from the United States department of transportation
15 18 or evidence that such authority is not required with the state
15 19 department of transportation.

15 20 ~~2. b.~~ The department shall participate in the single
15 21 state insurance registration program for regulated motor
15 22 carriers as provided in 49 U.S.C. } 14504 and United States
15 23 department of transportation regulations.

15 24 ~~3. c.~~ Registration for carriers transporting commodities
15 25 exempt from United States department of transportation
15 26 regulation shall be granted without hearing upon application
15 27 and payment of a twenty=five=dollar filing fee and an annual
15 28 one=dollar fee per vehicle.

15 29 ~~4. d.~~ The state department of transportation may execute
15 30 reciprocity agreements with authorized representatives of any
15 31 state exempting nonresidents from payment of fees as set forth
15 32 in this chapter. The state department of transportation shall
15 33 adopt rules pursuant to chapter 17A for the identification of
15 34 vehicles operated under reciprocity agreements.

15 35 ~~5. e.~~ Fees may be subject to reduction or proration
16 1 pursuant to sections 326.5 and 326.32.

16 2 2. a. On and after the date on which the secretary of the
16 3 United States department of transportation establishes the
16 4 unified carrier registration system in accordance with Title
16 5 49, United States Code, as amended by Pub. L. No. 109=59, a
16 6 foreign or domestic motor carrier, motor private carrier,
16 7 leasing company, broker, or freight forwarder shall not
16 8 operate any motor vehicle on the highways of this state
16 9 without first registering the motor vehicle under the unified
16 10 carrier registration system and paying all required fees.

16 11 b. The state department of transportation shall continue
16 12 to require each interstate for=hire motor carrier to make an
16 13 annual payment of one dollar per owned and operated vehicle
16 14 for filings made with the state department of transportation
16 15 under the single state registration system until the
16 16 occurrence of the transition termination date in accordance
16 17 with 49 U.S.C. } 13902(f), as amended by Pub. L. No. 109=59.

16 18 c. The state department of transportation may participate
16 19 in the unified carrier registration plan and agreement
16 20 established in accordance with 49 U.S.C. } 14504a, as amended
16 21 by Pub. L. No. 109=59, and to file on behalf of the state the
16 22 plan required by the provisions of 49 U.S.C. } 14504a(e).

16 23 ~~6. 3.~~ A motor carrier shall keep proper evidence of
16 24 interstate authority in the motor vehicle being operated by
16 25 the motor carrier and the motor carrier owner or driver shall
16 26 make such evidence available to a peace officer upon request.

16 27 ~~7. 4.~~ A motor carrier owner or driver charged with
16 28 failure to have proper evidence of interstate authority shall
16 29 not be convicted of such violation and the citation shall be
16 30 dismissed by the court if the person produces to the clerk of
16 31 court prior to the date of such person's court appearance as
16 32 indicated on the citation, proof of interstate authority
16 33 issued to that person and valid at the time the person was
16 34 charged with the violation under this section. Upon

16 35 dismissal, the court or clerk of court shall assess the costs
17 1 of the action against the defendant named on the citation.
17 2 Sec. 28. Section 327B.6, Code 2007, is amended by adding
17 3 the following new unnumbered paragraph:
17 4 NEW UNNUMBERED PARAGRAPH. This section is repealed on the
17 5 transition termination date referred to in section 327B.1,
17 6 subsection 2, paragraph "b".
17 7 Sec. 29. Section 452A.54, unnumbered paragraph 4, Code
17 8 2007, is amended to read as follows:
17 9 To determine the amount of fuel taxes due under this
17 10 division and to prevent the evasion thereof, the state
17 11 department of transportation shall require a quarterly report
17 12 on forms prescribed by the state department of transportation.
17 13 It shall be filed not later than the last day of the month
17 14 following the quarter reported, and each quarter thereafter.
17 15 These reports shall be required of all persons who have been
17 16 issued a permit or license under this division and shall cover
17 17 actual operation and fuel consumption in Iowa on the basis of
17 18 the permit or license holder's average consumption of fuel in
17 19 Iowa, determined by the total miles traveled and the total
17 20 fuel purchased and consumed for highway use by the permittee's
17 21 or licensee's commercial motor vehicles in the permittee's or
17 22 licensee's entire operation in all states to establish an
17 23 overall miles per gallon ratio, which ratio shall be used to
17 24 compute the gallons used for the miles traveled in Iowa.
17 25 Failure to receive a quarterly report or fuel credentials by
17 26 mail, facsimile transmission, or any other means of delivery
17 27 does not relieve a person from the person's fuel tax liability
17 28 or from the requirement to display current fuel credentials.
17 29 Sec. 30. Section 452A.68, unnumbered paragraph 2, Code
17 30 2007, is amended to read as follows:
17 31 If a licensee abuses the privileges for which the license
17 32 was issued, fails to produce records reasonably requested, ~~or~~
17 33 fails to extend reasonable ~~co-operation~~ cooperation to the
17 34 appropriate state agency, or has been suspended for nonpayment
17 35 of fees under chapter 326 and still owes fees to the
18 1 department, the licensee shall be advised in writing of a
18 2 hearing scheduled to determine if the license shall be
18 3 canceled. The appropriate state agency upon the presentation
18 4 of a preponderance of evidence may cancel a license for cause.
18 5 Sec. 31. SINGLE STATE REGISTRATION SYSTEM TERMINATION DATE
18 6 == NOTICE TO CODE EDITOR. The state department of
18 7 transportation shall notify the Code editor of the date
18 8 determined by the secretary of the United States department of
18 9 transportation to be the transition termination date which is
18 10 established as the effective date of the repeal of section
18 11 327B.6, as amended in this Act.
18 12 Sec. 32. IMPLEMENTATION OF PERMITTING PROCESS FOR CERTAIN
18 13 SELF=PROPELLED IMPLEMENTS OF HUSBANDRY. The department of
18 14 transportation shall begin accepting applications for permits
18 15 required under section 321E.8A, as enacted in this Act, on or
18 16 before June 1, 2007, and shall provide for the issuance of
18 17 those permits prior to July 1, 2007, to be effective July 1,
18 18 2007.
18 19 Sec. 33. 2006 Iowa Acts, chapter 1070, section 5, is
18 20 repealed.
18 21 Sec. 34. Sections 327B.4 and 327B.7, Code 2007, are
18 22 repealed.
18 23 Sec. 35. EFFECTIVE DATES.
18 24 1. The section of this Act amending section 321.457, being
18 25 deemed of immediate importance, takes effect upon enactment.
18 26 2. The sections of this Act amending sections 327B.1 and
18 27 327B.6, and repealing sections 327B.4 and 327B.7, being deemed
18 28 of immediate importance, take effect upon enactment.
18 29 3. The section of this Act repealing 2006 Iowa Acts,
18 30 chapter 1070, section 5, being deemed of immediate importance,
18 31 takes effect upon enactment.
18 32 4. The sections of this Act amending sections 321.112 and
18 33 321.115 take effect July 1, 2008.
18 34 5. The section of this Act requiring the department of
18 35 transportation to implement the permitting process for certain
19 1 self-propelled implements of husbandry, being deemed of
19 2 immediate importance, takes effect upon enactment.
19 3 DIVISION IV
19 4 REGIONAL TRANSIT DISTRICTS
19 5 Sec. 36. Section 28M.4, subsection 6, Code 2007, is
19 6 amended to read as follows:
19 7 6. All moneys received by the commission Tax revenues
19 8 collected from a regional transit district levy shall be held
19 9 by the county treasurer in a separate fund. If more than one
19 10 county is participating in the regional transit district, the

~~19 11 moneys shall be paid to the county treasurer of the~~
~~19 12 participating county with the largest population. Moneys may~~
~~19 13 be paid out of the fund only at the direction of the~~
~~19 14 commission. Before the fifteenth day of each month, the~~
~~19 15 county treasurer shall send the amount collected for each fund~~
~~19 16 through the last day of the preceding month for direct deposit~~
~~19 17 into the depository and account designated by the commission.~~
~~19 18 The county treasurer shall send a notice to the secretary of~~
~~19 19 the commission or the secretary's designee stating the amount~~
~~19 20 deposited, the date, the amount to be credited to each fund~~
~~19 21 according to the budget, and the source of the revenue.~~

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19 23
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19 25 _____
19 26 PATRICK J. MURPHY
19 27 Speaker of the House
19 28

19 29
19 30 _____
19 31 JOHN P. KIBBIE
19 32 President of the Senate

19 33 I hereby certify that this bill originated in the House and
19 34 is known as House File 793, Eighty-second General Assembly.
19 35

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20 3 _____
20 4 MARK BRANDSGARD
20 5 Chief Clerk of the House

20 6 Approved _____, 2007
20 7
20 8

20 9 _____
20 10 CHESTER J. CULVER
Governor